

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 22, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BILLY EDWARD TOYCEN,

Plaintiff,

v.

YAKIMA MUNICIPAL COURT,
JEFF BENGE, OFFICER WILLIAMS,
WILLIAM BENGE, OFFICER
INSLEE and DORTHY BENGE,

Defendants.

NO: 1:16-CV-03042-SMJ

ORDER DISMISSING ACTION

Plaintiff initiated this action while incarcerated at the Yakima County Jail. He had not provided all the information necessary to proceed *in forma pauperis* with his initial documents. A letter advising him of this deficiency was sent to him at the Yakima County Jail, but returned as undeliverable on April 11, 2016, ECF No. 5. In the interim, Plaintiff provided an alternative address, but mail routed to that address was also returned as undeliverable. ECF No. 7.

It was no longer apparent that Mr. Toyce was a prisoner. Because there is no mechanism for collecting the filing fee in partial payments as mandated by the


ORDER DISMISSING ACTION --1

1 statute once a prisoner has been released from incarceration, 28 U.S.C. §
2 1915(b)(2), the Court instructed Plaintiff to complete and file a new financial
3 affidavit, to pay the full \$400.00 fee (\$350.00 filing fee + \$50.00 administrative
4 fee), or to demonstrate that he was still incarcerated. A copy of the Order was
5 mailed to Plaintiff at the address he provided, but returned as undeliverable. ECF
6 No. 8. Plaintiff has not kept the Court apprised of his address and he has not
7 complied with the Court's directives.

8 Therefore, **IT IS ORDERED** that this action is **DISMISSED WITHOUT**
9 **PREJUDICE** for failure to keep the Clerk of Court informed of Plaintiff's current
10 address.

11 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
12 enter judgment, forward a copy to Plaintiff at his last known address and close the
13 file. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this
14 Order would not be taken in good faith and would lack any arguable basis in law or
15 fact.

16 **DATED** this 22nd day of June 2016.

17 
18 SALVADOR MENDOZA, JR.
19 United States District Judge
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